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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1-4, 6, and 8-28 (of which Claims 1, 14, and 21 are independent) have been rejected under 35 U.S.C. §103 as being unpatentable over Hedayatnia et al. (USPN 5,488,351) in view of Osborn et al. (USPN 6,119,022) and Kitami et al. (USPN 5,861,704), and Claim 5 has been rejected as being obvious over these three references plus Lo et al. (USPN 5,973,441). Claim 7 has been rejected as being obvious over the three primary references plus Hajel (USPN 5,867,105).

The rejections are all underpinned by the technical misunderstanding that Hedayatnia et al. teaches two frequencies. It does not. It teaches a single frequency with two phases, which is necessary to achieve the intended rocking motion of the cantilevers, see Abstract and col. 1, lines 40-55. On this basis, the rejections are overcome.

Further, it would be improper to modify the reference to use two frequencies, because it would appear that the use of two frequencies would interfere with each other and, hence, with the intended rocking motion of the cantilevers, rendering such a modification improper under MPEP §2143.01 (citing In re Gordon). For this further reason, the rejections are overcome.

Additionally, Kitami et al. is non-analogous art. It is not directed to alerting a user, much less a user of a telephone, much less by using vibrations. Instead, it is directed to producing high voltages using the piezoelectric principle for CRTs and copiers. Absent a showing as to why the skilled artisan in the mobile telephone alert field would look to the CRT and copier high voltage transformer art, Kitami et al. is non-analogous.

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The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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